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UNITED STATES DISTRICT COURT 2006 MAR 20 PM 12: 500 DISTRICT OF SOUTH CAROLINA

3:06-618-HMH-JRM
ORDER

This is a §1983 civil rights Complaint filed by a prisoner. Therefore, in the event that a limitations issue arises, the plaintiff shall have the benefit of the holding in <u>Houston v. Lack</u>, 487 U.S. 266 (1988) (prisoner's pleading was filed at moment of delivery to prison authorities for forwarding to District Court.) The <u>Houston v. Lack</u> "delivery" date in this case is February 23, 2006. Under Local Rule 73.02(B)(2) pretrial proceedings in this action have been automatically referred to the assigned United States Magistrate Judge.

This case is not in proper form for service of process. The plaintiff is directed to provide the following information within *twenty (20) days* from the date this order is entered (plus three days for mail time pursuant to FRCP 6(e)) to bring this case into proper form for evaluation under 28 U.S.C. § 1915.

- (1) Complete the enclosed Financial Certificate. You must have the South Carolina Department of Corrections finance section put the needed information on the Financial Certificate and return it to you. Once you have received the Financial Certificate back from the finance section, you must return the Financial Certificate to the Office of the Clerk of Court for the United States District Court for the District of South Carolina.
- (2) Complete the enclosed Statement of Assets.

The plaintiff must place the civil action number (C/A No.) listed above on any document he submits to this Court pursuant to this order. In the meantime, no process shall issue until the completed Statement of Assets and Financial Certificate has been filed and reviewed.

An order dismissing a case for failure to provide the court with the foregoing cannot be entered by a magistrate judge in a civil action because a magistrate judge is not an

"Article III" judge. Hence, if the plaintiff fails to provide to the Clerk of Court, the items listed above, within the period prescribed in this order, the Office of the Clerk of Court shall forward the file in the above-captioned case to the United States District Judge or Senior United States District Judge assigned to this case for a final order. If, however, the plaintiff provides this Court with the items listed above, the Office of the Clerk of Court should forward the file to the Magistrate Judge to determine if service of process should be authorized.

In any future filings with this Court, the plaintiff is directed to only use letter-sized paper and write or type text on one side of a sheet of paper only. Do not write or type on both sides of any sheet of paper. The plaintiff is further instructed not to write to the edge of the paper, but to maintain one inch margins on the top, bottom and sides of each paper submitted.

The plaintiff is a *pro se* litigant. The plaintiff's attention is directed to the following important notice:

You are ordered to always keep the Clerk of Court advised in writing (901 Richland Street, Columbia, South Carolina 29201) if your address changes for any reason, so as to assure that orders or other matters that specify deadlines for you to meet will be received by you. If as a result of your failure to comply with this order, you fail to file something you are required to file within a deadline set by a District Judge or a Magistrate Judge, your case may be dismissed for violating this order. Therefore, if you have a change of address before this case is ended, you must comply with this order by immediately advising the Clerk of Court in writing of such change of address, and include the docket number(s) of any pending case(s) you have filed in this Court. Your failure to do so will not be excused by the court.

Put this order with your own record of this case so that you will not overlook your duty. If an attorney serves you by mail on behalf of a defendant or a respondent, you also have a duty to notify that attorney if your address is to be changed for mail purposes. The plaintiff is, hereby, informed that if his mesc. Note: 4:76-mc38-2 (D.S. Dic.) June 15.1996. The problems see Green where S. C. Destachty mesc. Note. 4:76-mc38-2 (D.S. Dic.) June 20-1996. Counterfully sem statement of the problems.

¹ See General Order filed on November 1, 2005, Misc. No. 3:05-MC-5010-JFA, at p. 3:

If the prisoner does not comply with the order to bring the case into proper form, the Clerk of Court shall forward the case to the assigned District Judge or Senior District Judge for an order of dismissal without prejudice. The dismissal of a case for not being in proper form will not be deemed a "strike" for purposes of the "three strikes" provision of 28 U.S.C. § 1915(g), unless a District Judge or Senior District Judge states otherwise in the order of dismissal for the case.

address changes in the future, he must provide his prison or jail address.

IT IS SO ORDERED.

s/Joseph R. McCrorey United States Magistrate Judge

March 9, 2006 Columbia, South Carolina

The plaintiff's attention is directed to the important warning on the next page.

IMPORTANT INFORMATIONPLEASE READ CAREFULLY WARNING TO PRO SE LITIGANTS

All Documents That You File with the Court Will Be Available to the Public on the Internet Through Pacer (Public Access to Court Electronic Records) and the Court's Electronic Case Filing System.

YOU ARE RESPONSIBLE FOR PROTECTING YOUR IDENTITY FROM POSSIBLE THEFT.
YOU MUST REMOVE CERTAIN PERSONAL IDENTIFYING INFORMATION FROM ALL DOCUMENTS BEFORE YOU SUBMIT THE DOCUMENTS TO THE COURT FOR FILING. IT IS NOT THE COURT'S RESPONSIBILITY TO REMOVE PERSONAL IDENTIFYING INFORMATION FROM YOUR DOCUMENTS BEFORE THEY ARE ELECTRONICALLY DOCKETED.

Under the Privacy Policy of the Judicial Conference of the United States, a litigant, whether represented by counsel or appearing pro se, must not put certain types of the litigant's (or any other person's) personal identifying information or other sensitive personal information in documents submitted for filling to any United States District Court. This rule applies to ALL documents submitted for filling, including pleadings, exhibits to pleadings, discovery responses, and any other document submitted by any party for filling. If the litigant finds it necessary to submit a document containing personal identifying information, the litigant must "black out" or redact the personal identifying information prior to submitting the document to the Office of the Clerk of Court for filling.

- 1. Types of personal information that MUST be removed or redacted from documents before filing:
- (a) Social Security numbers. If an individual's social security number must be included in a pleading, only the last four digits of that number shall be used.
- (b) Names of Minor Children. If the involvement of a minor child must be mentioned, only the initials of that child shall be used.
- © Dates of Birth. If an individual's date of birth must be included in a pleading, only the year shall be used.
- (d) Financial Account Numbers. If financial account numbers are relevant, only the last four digits of these numbers shall be used.
- (e) Home Address Information. If the home address of a person must be included, only the city and state shall be listed, except for the mailing address of a pro se litigant, which is necessary for notification of court proceedings, or the full address of a party to be served on necessary service papers.
- **(f) Juror Information.** If a document containing identifying information about a juror or potential juror must be filed (e.g., verdict form or indictment), all personal information identifying a juror or potential juror must be redacted.
- 2. Other sensitive personal information that should be considered for possible removal or redaction:

Any personal identifying number, including a driver's license number; medical records; employment history; individual financial information; proprietary or trade secret information; information regarding an individual's cooperation with the government; information regarding the victim of any criminal activity; national security information; and/or sensitive security information described in 49 U.S.C. § 114(s).

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2006 HAR 20 PH 12:

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SCDC INMATE FINANCIAL SYSTEM E. H. COOPER ACCOUNT SUMMARY

02/15/06

ACCOUNT TYPE:?! ACCOUNT ID:?5049 COUNCIL,DONNIE S. W.

TYPE OF FREEZE : NONE SUSPENSE DTE....: 00/00/00
AMOUNT OF FREEZE: 0.00 REST. HOLD AMOUNT: 0.00
CASH WITHDRAWALS: 0.00 LAST UPDATE: INPEHCDA DATE: 10/05/05
CANTEEN PURCHASE: 0.00
TEXT: :

?	01/28/06	2378640	MONEY ORDER	5.00	0.00	5.07
?	10/26/05	602541	CANTEEN PURC	0.00	0.54	0.07
?	10/19/05	602189	CANTEEN PURC	0.00	6.50	0.61
?	10/18/05	2375360	TRANSFER CRE	5.00	000	7.11
?	10/12/05	601750	CANTEEN PURC	0.00	21.65	2.11
?	10/05/05	601493	DNA PROCESSI	0.00	1.25	23.76
?	10/04/05	2374955	MONEY ORDER	25.00	0.00	25.01
						m. a. a. m

PAGE: 20001

ACCOUNT TRANSACTION HISTORY DISPLAYED...

PF4=> MODIFY ENTER=> DISPLAY PF7=>FORWARD PF8=> BACKWARD

THORDUSHFARE SECTIF REPORTS LLLYES OF FROM 6-152002 CAREFORDE SUSTA CARDENAN.

FROM DUKE POWERS FULLY FOR ELECTRICALLYES OF COMPANY FULLYES OF LLLYES OF PERSONSHAPE AN SEPTEMBES LLLYES OF ACCOUNTANCES FULLY.

IT WAS FULLY 2,5 MELLEON DOLLARS LLLYES OF THOROUGH FARE THE 6-26 2002.

THOROUGH FIRE ETS NOW FULLYES OF AT 2,444,000.00 MELLEON DOLLARS FULLYES OF THE 1-142003.

FINANCIAL CERTIFICATE FOR THE DISTRICT OF SOUTH CAROLINA 20 PM 12:

(for use in § 1983, Bivens, and non-habeas civil actions filed by prisoners)

I request that an authorized officer of the institution in which I am confined, or other designated entities, complete this Certificate. If I have insufficient funds in my account that prohibit me from paying the full \$150.00 filing fee, I will send in an initial installment payment equal to the amount entered on line four by an authorized officer of this institution when I file my complaint.

INMATE NAME (PRINTED)			SIGNATURE & PRISON NO.
♦	(1)	Average monthly deposits to the inmate's account	\$
•	(2)	Average monthly balance in the inmate's account calculated for the prior six months period.	\$
.	(3)	Current Balance	\$
•	(4)	Initial Installment Payment (Take 20 percent of the greater of lines 1 or 2)	\$
the		reby certify that as of this date, the anamed inmate.	above financial information is accurate for
Aut	horized	d Officer & Title	Date

	UI I	NITED STATES DISTI DISTRICT OF SOUTH	RICT COURT CAROLINA 2006 MAR 20 PM 12	, , , , , , , , , , , , , , , , , , ,	
) Case Number:) (to be supplied by the Clerk)		
vs.		Plaintiff,))) Statement of As) (Consent to Collect		
)		
		Defendant(s).)		
and, Refo are to	Bivens doctrine, or other causes of if applicable, I request to be allow rm Act, Public Law. 104-134, 100 rue: I am the party initiating said	f action without the prepa wed to pay the filing fee in OU.S.Stat 1321. In suppo	il rights relief pursuant to 42 U.S.C yment of fees and costs or giving son installments, as provided in the Port of my application, I state that the at I am entitled to the relief.	curity therefor, rison Litigation	
2) 3)	I am unable to prepay the c poverty.		ve any security therefor because	of my	
4)	I have no assets or funds wh	nich could be used to pr	epay the fees or costs, except:		
	NOTE TO INMATE: WRIT	E NONE, IF YOU HAV	'E NOTHING		
5)	During the preceding twel payments) from the following		ceived income (wages, gifts or	other	

NOTE TO INMATE: LIST BOTH AMOUNT AND SOURCE

5)	to pay the costs of this action (for example, persons who are dependant on you for support):

I understand that a false statement or answer to any question in this declaration will subject me to penalties of perjury. I DECLARE UNDER PENALTY OF PERJURY UNDER THE LAWS OF THE UNITED STATES OF AMERICA THAT THE FOREGOING IS TRUE AND CORRECT. See 28 U.S.C. Section 1746; and 18 U.S.C. Section 1621. I also am aware and acknowledge that if I elect to proceed with this case and pay the initial installment payment, the full filing fee will be a debt owed to the United States, which may be collected from my inmate funds, trust funds, and other funds, and the debt is not dischargeable in bankruptcy. I recognize that if I proceed with this case, I shall, thereby, be required to pay the first installment payment and/or the full filing fee (or the remaining unpaid portion of the filing fee), that I am responsible for requesting that funds be withdrawn from my inmate accounts (or trust funds or other funds), and sent to the court until the filing fee is paid in full. Further, I authorize collection of the filing fee and consent to collection or collections of the filing fee until the filing fee is paid in full and any amount of costs, sanctions, and/or fees that might be imposed by the court during this litigation. Such collections may include, but are not limited to, withholding from my inmate accounts, trust funds, or other funds, and deductions from any of my other inmate accounts, AT ANY TIME, including (but not limited to) any occasion(s) that any of my inmate accounts, trust funds, or other funds exceeds ten dollars, and UNTIL THE FEES ARE PAID IN FULL. If I receive funds whereby I may pay the full filing fee or any remaining balance due, I consent to deduction of the funds, at any time, to pay any remaining balance due. I also am aware that any compensatory damages awarded me in the above-captioned case, under the Prison Litigation Reform Act, shall be paid directly to satisfy any outstanding restitution order pending against me, whether such restitution order has been entered by a state or federal court. I am also aware that before any compensatory damages are paid to me notification will be made to the victim(s) of any crimes(s) for which I have been convicted, regardless of whether I am currently serving the sentence for that particular crime.

Executed at	on	
Signature	Inmate (Prison) Nun	iber